

REMARKS

This communication is in regards to the Non-Final Office Action of May 5, 2009.

The Examiner has objected to claim 61 due to a minor typographical error. Applicant has amended and requests that the objection is withdrawn.

The Examiner rejected claims 1 and 61 under 35 U.S.C. 101. In response, Applicant has amended the claims to tie them to a particular machine.

The Examiner has rejected claims 1-2 and 7-14 and 61-2 under 35 U.S.C. 103(a) as being unpatentable over to Segerberg et al., (U.S. Patent No. 6,910,191), in view of Eiref et al. (US 6,621,509), and further in view of Martino et al. (US 6,662,177 B1).

In response, Applicant has amended the independent claim to clarify that the EPG surface includes a plurality of channels.

Applicant has also clarified that the PVR surface provides PVR information for a plurality of video files.

Applicant has also added new dependent claims 63-65 including a limitation related to the PVR information including content categories. New dependent claims 66-68 include a limitation relating to the EPG surface having a time axis and a channel axis.

It is respectfully submitted that the pending claims describe patentable subject matter. The amended claims clarify that the EPG surface is for a plurality of channel and that the PVR surface is for a plurality of files. The prior art simply does not teach or suggest having two such surfaces and rotating them about an axis as described in the claims.

The Examiner's prior art rejection incorrectly relies upon interpreting Figs. 8-10 of Seeberg as teaching rotation of the plane (about an axis) in which program guide information is displayed. However, this is incorrect. In Seeberg the rotation refers to a filtering process that results in changing the subset of channel and programming type categories that are displayed on the program guide. (See, e.g., col. 3, lines 5-8; col. 6, lines 11-15). As can be seen by comparing Figures 8, 9, and 10, a planar view is always maintained of the program guide. The only difference between Figures 8, 9, 10 of Seeberg is that the "rotation" changes the subset of categories displayed on the program guide. That is, Seeberg deals with "category filter rotation" and not a geometrical rotation of a three-dimensional image.

As previously noted Eiref has cubes that are pop-ups for a single television show. The combination of Seeborg, Eiref, and the other cited art simply fails to teach or suggest the claimed invention.

In view of the foregoing, Applicant respectfully submits that no further impediments exist to the allowance of this application and, therefore, requests an indication of allowability. However, the Examiner is requested to call the undersigned if any questions or comments arise.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: 7/29/09

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
777 6th Street, N.W.,
Suite 1100
Washington, DC 20001

Tel: (650) 843-5149

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: 
Edward Van Gieson
Reg. No. 44,386